

By: Talarico

H.B. No. 2294

A BILL TO BE ENTITLED

AN ACT

relating to procedures for public involvement in redistricting of
judicial districts, state legislative districts, State Board of
Education districts, and congressional districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 3, Government Code, is amended by adding
Subtitle D to read as follows:

SUBTITLE D. REDISTRICTING

CHAPTER 331. PUBLIC INVOLVEMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 331.001. DEFINITIONS. In this chapter:

(1) "Council" means the Texas Legislative Council.

(2) "Redistricting plan" means a bill that establishes
or modifies the boundaries of districts for the election of judges,
members of the Texas Senate, members of the Texas House of
Representatives, members of the State Board of Education, or
members of the United States House of Representatives who are
elected from this state. The term includes a substitute for or
other amendment to a bill.

(3) "Website" means the Internet website established
under Subchapter B.

SUBCHAPTER B. REDISTRICTING WEBSITE

Sec. 331.051. ESTABLISHMENT OF WEBSITE. (a) As soon as
practicable after a federal decennial census is taken but not later

1 than February 1 of the year following the year in which that census
2 is taken, the council shall establish an Internet website that
3 provides the public with information about the legislature's
4 redistricting activities based on that census.

5 (b) The website must be limited to the subject of
6 redistricting.

7 Sec. 331.052. CONTENT OF WEBSITE. (a) The council shall:

8 (1) continuously update the website to provide advance
9 notice of public hearings, committee meetings, and legislative
10 debates on redistricting plans;

11 (2) provide on the website the most recent available
12 information regarding voting age population, voter registration,
13 and election returns for election precincts and census tracts in
14 this state, including detailed maps depicting that information;

15 (3) allow individuals to submit through the website
16 comments on any redistricting plan being considered by the
17 legislature and questions, comments, and other information
18 regarding the legislature's redistricting activities; and

19 (4) include on the website any other information
20 required under this chapter.

21 (b) Except as provided by Subsection (c), the council shall
22 ensure that any comment submitted to the website by a member of the
23 public regarding a redistricting plan or otherwise related to
24 redistricting is publicly available on the website not later than
25 72 hours after submission.

26 (c) The council may exclude from the website obscene,
27 threatening, harassing, or similarly offensive comments and

1 comments unrelated to redistricting. The council shall provide
2 copies of those comments to adult members of the public on request.

3 Sec. 331.053. DURATION OF WEBSITE. The council shall
4 ensure that the information required to be included on the website
5 relating to the legislature's redistricting activities based on a
6 federal decennial census remains accessible to the public on that
7 website until the website relating to the legislature's
8 redistricting activities based on the next federal decennial census
9 is established.

10 SUBCHAPTER C. REQUIREMENTS FOR LEGISLATIVE COMMITTEES

11 CONSIDERING REDISTRICTING LEGISLATION

12 Sec. 331.101. REDISTRICTING CRITERIA AND PROCEDURES.
13 Before considering any redistricting plan, the standing committees
14 of the senate and the house of representatives with primary
15 jurisdiction over redistricting shall solicit input from members of
16 the public regarding the legislature's criteria and procedures for
17 considering redistricting plans by:

- 18 (1) holding the public hearings required by Section
19 331.102; and
20 (2) posting those criteria and procedures on the
21 website.

22 Sec. 331.102. COMMITTEE HEARINGS ON REDISTRICTING CRITERIA
23 AND PROCEDURES. (a) Before considering a redistricting plan, the
24 standing committees of the senate and the house of representatives
25 with primary jurisdiction over redistricting shall each hold at
26 least 10 public hearings to consider redistricting criteria and
27 procedures during the year before the final data from a federal

1 decennial census is published and at least 5 public hearings to
2 consider those criteria and procedures after that data is
3 published. The committees may hold the hearings jointly or
4 separately.

5 (b) The committees shall hold each hearing in a different
6 congressional district in this state, including one hearing in the
7 congressional district with the greatest change in population since
8 the previous congressional apportionment. The committees shall
9 consider holding other hearings in congressional districts that
10 have experienced large changes in population.

11 (c) The committees shall provide public notice at least
12 seven days before each hearing. The notice must include the time
13 and location of the hearing and notice that members of the public
14 may provide comments on the criteria and procedures the committees
15 will use to consider redistricting plans and on other issues
16 related to redistricting.

17 (d) The committees shall allow individuals at remote
18 locations throughout the state to view and provide public testimony
19 at the hearings by videoconference.

20 (e) A committee shall post on the website a transcript of or
21 link to a video recording of each hearing not later than the seventh
22 day after conclusion of the hearing.

23 Sec. 331.103. REDISTRICTING PLAN PROPOSED BY COMMITTEE.

24 (a) A committee of the senate shall post the information required
25 by this section at least five days before reporting from the
26 committee a redistricting plan originating in the senate. A
27 committee of the house of representatives shall post the

1 information required by this section at least five days before
2 reporting from the committee a redistricting plan originating in
3 the house.

4 (b) A committee shall post on the website:

5 (1) a map showing each district in the redistricting
6 plan reported from the committee;

7 (2) the total population and voting age population of
8 each district in the redistricting plan reported from the
9 committee, including a breakdown of those populations by race and
10 by membership in language minority groups;

11 (3) all data and other factual information, in written
12 or electronic form, in the possession of a member, delegation, or
13 caucus of the legislature that is:

14 (A) relevant to the redistricting plan reported
15 from the committee or another version of that plan; and

16 (B) in any way descriptive of a population
17 residing in a geographic area included in the plan;

18 (4) all factual information relevant to the
19 redistricting plan reported from the committee or another version
20 of that plan that is known by or obtained from a consulting expert,
21 attorney, or representative of an attorney, including any facts
22 determined through an analysis or test performed by a consulting
23 expert or attorney, but not including information that is
24 exclusively the mental impression, opinion, conclusion, or legal
25 theory of a consulting expert or attorney;

26 (5) all opinions, mental impressions, and conclusions
27 of an attorney or consulting expert retained by a member,

1 delegation, or caucus of the legislature that:

2 (A) are relevant to the redistricting plan
3 reported from the committee or another version of that plan; and

4 (B) have been disclosed to:

5 (i) an employee of the legislature, other
6 than an employee of a person who retained the attorney or consulting
7 expert; or

8 (ii) a member of the legislature who did not
9 retain the attorney or consulting expert or who is not a member of
10 the delegation or caucus that retained the attorney or consulting
11 expert;

12 (6) a statement explaining the committee's reasons for
13 proposing adoption of the redistricting plan reported from the
14 committee and reasons why the proposed adoption will best serve the
15 public interest;

16 (7) any dissenting statement provided by a member of
17 the committee who does not approve the redistricting plan reported
18 from the committee; and

19 (8) notice that members of the public may submit
20 comments regarding the redistricting plan reported from the
21 committee through the website, at a public hearing, or by any other
22 available means.

23 (c) A committee shall post on the website a machine-readable
24 file containing the information described by Subsections (b)(1) and
25 (2).

26 (d) Any information required to be posted under Subsection
27 (b) that originates in an electronic form, including a shapefile or

1 equivalency file, must be posted in:

2 (1) the original electronic form; and

3 (2) a form that is reasonably usable by and accessible
4 to the general public.

5 (e) A new or amended version of a redistricting plan adopted
6 by a committee is subject to the requirements of Subsection (a),
7 regardless of whether the committee complied with those
8 requirements with respect to an earlier version of the plan, unless
9 the committee determines that compliance with those requirements is
10 likely to prevent adoption of the plan before the end of the
11 legislative session.

12 Sec. 331.104. HEARINGS ON PLANS PROPOSED BY COMMITTEE. (a)
13 A committee of the senate shall hold at least two public hearings on
14 a redistricting plan after an affirmative vote to report the
15 redistricting plan from the committee and before the redistricting
16 plan is considered by the full senate.

17 (b) A committee of the house of representatives shall hold
18 at least two public hearings on a redistricting plan after an
19 affirmative vote to report the redistricting plan from the
20 committee and before the redistricting plan is considered by the
21 full house.

22 (c) Except as otherwise provided by this subsection, a
23 committee shall hold each hearing in a different congressional
24 district in this state, including one hearing in the congressional
25 district with the greatest change in population since the previous
26 decennial congressional apportionment. If the committee is unable
27 to hold hearings throughout the state, the committee shall allow

1 public participation in the hearings from various congressional
2 districts throughout this state by videoconference.

3 (d) A committee shall provide public notice at least five
4 days before each hearing. The notice must include the time and
5 location of the hearing, notice that members of the public may
6 attend the hearing and provide comments on the redistricting plan,
7 and notice that members of the committee will be available at the
8 hearing to explain the reasons why adoption of the plan will best
9 serve the public interest.

10 (e) A committee shall allow individuals at remote locations
11 throughout the state to view and provide public testimony at the
12 hearings by videoconference.

13 (f) A committee shall post on the website a transcript of or
14 link to a video recording of each hearing not later than 48 hours
15 after conclusion of the hearing.

16 SUBCHAPTER D. REDISTRICTING PLAN ENACTED BY LEGISLATURE

17 Sec. 331.151. INFORMATION REGARDING ENACTED REDISTRICTING
18 PLAN. Not later than the seventh day after the date the legislature
19 passes a bill enacting a redistricting plan, the council shall post
20 on the website and, if practicable, publish in newspapers of
21 general circulation throughout the state:

22 (1) a map showing each district in the plan;

23 (2) for each district in the plan:

24 (A) the total population and voting age
25 population of the district, including a breakdown of those
26 populations by race and by membership in language minority groups;

27 and

1 (B) the number of registered voters in the
2 district including, to the extent available, a breakdown of that
3 number by political party affiliation, race, and membership in
4 language minority groups;

5 (3) statements by the president of the senate and the
6 speaker of the house of representatives explaining the
7 legislature's reasons for adopting the plan and reasons why
8 adoption of the plan will best serve the public interest; and

9 (4) any dissenting statement provided by a member of
10 the legislature who did not approve the plan.

11 SECTION 2. (a) Except as provided by Subsection (b) of this
12 section, Chapter 331, Government Code, as added by this Act,
13 applies only to a regular or special session of the legislature that
14 begins on or after the effective date of this Act.

15 (b) The provision of Section 331.102(a), Government Code,
16 as added by this Act, that requires the standing committees of the
17 senate and the house of representatives with primary jurisdiction
18 over redistricting to each hold at least 10 public hearings to
19 consider redistricting criteria and procedures during the year
20 before the final data from a federal decennial census is published
21 applies beginning January 1, 2030.

22 SECTION 3. This Act takes effect September 1, 2023.